



DOCKET NO: C1039.70021US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

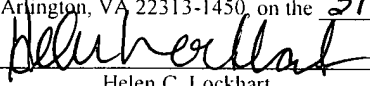
Applicant: Arthur M. Krieg, et al.  
Serial No: 10719,493  
Confirmation No:  
Filed: November 21, 2003  
For: METHODS FOR TREATING CANCER USING  
IMMUNOSTIMULATORY OLIGONUCLEOTIDES

Examiner: Not yet assigned  
Art Unit: Not yet assigned

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on the 21 day of January, 2004.

  
Helen C. Lockhart

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Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

TRANSMITTAL

Sir:

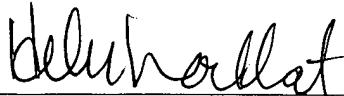
Transmitted herewith are the following documents:

- ☒ Supplemental Information Disclosure Statement;
- ☒ PTO Form 1449 (copies of references cited);
- ☒ Return Receipt Postcard.

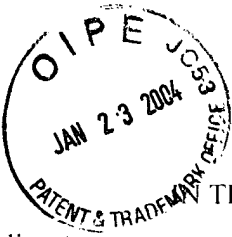
If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No fee is enclosed. If there is a fee associated with this filing, then please charge the amount to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

  
Helen C. Lockhart, Reg. No. 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2211  
(617)720-3500

Docket No. C1039.70021US01  
Date: January 2 2004  
xNDDx



DOCKET NO: C1039.70021US01

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg, et al.  
Serial No: 10/719,493  
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For: METHODS OF TREATING CANCER USING  
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Examiner: Not yet assigned  
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Helen C. Lockhart, Ph.D., Reg. No. 39,248

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

**Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Serial No.: 10/719,493



Art Unit: Not yet assigned

The Applicant hereby makes the following additional information of record in the above-identified application.

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application (copies enclosed):

Docket Number	Serial Number	Filing Date	Inventor(s)
C1037.70013US00 ✓	09/776,479	2/2/01	Bratzler et al.
C1037.70016US00 ✓	09/009,634	1/20/98	Hutcherson et al.
C1037.70019US00 ✓	09/920,313	8/1/01	Bratzler et al.
C1037.70021US00 ✓	09/949,194	9/7/01	Peterson et al.
C1037.70025US00 ✓	10/017,995	12/14/01	Bratzler
C1037.70038US01 ✓	10/735,592	12/11/03	Krieg et al.
C1037.70041US00 ✓	10/613,749	7/3/03	Krieg
C1037.70042US00 ✓	10/613,524	7/3/03	Krieg
C1037.70043US00 ✓	10/613,739	7/3/03	Krieg
C1037.70044US00 ✓	10/613,716	7/3/03	Krieg
C1037.70045US00 ✓	10/613,228	7/3/03	Krieg
C1037.70046US00	10/445,247	6/5/03	Krieg
C1037.70048US00	10/644,052	8/19/03	Krieg et al.
C1037.70049US00	10/643,141	8/18/03	Hutcherson et al.
C1037.70051US00	10/666,733	9/19/03	Bratzler et al.
C1037.70052US00	10/668,050	9/22/03	Bratzler et al.
C1039.70020US00	09/337,584	6/21/99	Krieg et al.
C1039.70022US00	09/337,893	6/21/99	Krieg
C1039.70035US00	09/669,187	09/25/00	Krieg et al.
C1039.70036US00	09/559,140	4/27/00	Noll et al.
C1039.70041US00	09/655,319	9/5/00	Krieg et al.
C1039.70042US00	09/630,319	7/31/00	Krieg et al.
C1039.70043US00	09/629,477	7/31/00	Krieg et al.
C1039.70044US00	09/672,126	9/27/00	Hartmann et al.
C1039.70048US00	09/818,918	3/27/01	Krieg et al.
C1039.70049US00	09/824,468	04/02/01	Krieg et al.
C1039.70052US00	09/888,326	6/22/01	Weiner et al.
C1039.70057US00	09/965,101	9/26/01	Davis et al.
C1039.70058US00	10/023,909	12/18/01	Davis et al.
C1039.70060US00	10/112,653	3/29/02	Krieg et al.
C1039.70061US00	10/161,229	6/3/02	Krieg et al.



Serial No.: 10/719,493

- 3 -

Art Unit: Not yet assigned

Docket Number	Serial Number	Filing Date	Inventor(s)
C1039.70062US00	10/187,489	7/2/02	Krieg et al.
C1039.70063US00	10/224,523	8/19/02	Krieg et al.
C1039.70065US00	10/272,502	10/15/02	Krieg et al.
C1039.70067US00	10/300,247	11/20/02	Davis et al.
C1039.70068US00	10/306,522	11/27/02	Krieg et al.
C1039.70069US00	10/314,578	12/9/02	Krieg et al.
C1039.70070US00	10/382,822	3/6/03	Krieg et al.
C1039.70071US00	10/435,656	5/9/03	Krieg et al.
C1039.70072US00	10/434,696	5/9/03	Davis et al.
C1039.70073US00	10/743,625	12/22/03	Krieg et al.
C1039.70075US00	10/613,916	7/3/03	Krieg et al.
C1039.70077US00	10/619,279	7/14/03	Krieg
C1039.70078US00	10/627,331	7/25/03	Krieg et al.
C1039.70079US00	10/627,413	7/25/03	Krieg et al.
C1039.70082US00	10/631,676	7/30/03	Krieg et al.
C1039.70083US00	10/690,495	10/21/03	Krieg
C1039.70084US00	10/649,584	8/25/03	Krieg et al.
C1040.70006US00	09/316,199	5/21/99	McCluskie et al.
C1040.70010US00	09/768,012	1/22/01	Davis et al.
C1041.70002US00	09/241,653	2/2/99	Wagner et al.
C1041.70005US00	09/355,254	7/23/99	Wagner et al.
C1041.70010US00	09/786,436	9/3/99	Wagner et al.
C1041.70014US00	09/895,007	6/28/01	Schetter et al.
C1041.70016US00	09/954,987	9/17/01	Bauer et al.
C1041.70019US00	10/140,013	5/6/02	Schetter et al.
C1041.70029US00	10/212,133	8/1/02	Lipford et al.
C1041.70031US00	10/265,072	10/5/02	Lipford
C1041.70035US00	10/373,381	2/24/03	Wagner et al.
C1041.70037US00	10/407,952	4/4/03	Lipford et al.

#### Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

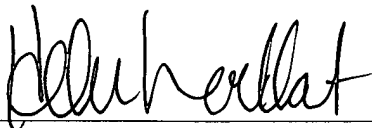
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

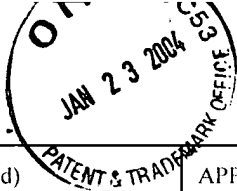
Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
Arthur M. Krieg, et al., *Applicant*

By:   
Helen C. Lockhart, Ph.D., Reg. No. 39,248  
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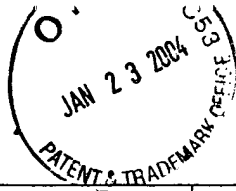
Docket No. C1039.70021US01  
Date: January 21, 2004  
**XNDDX**



<b>FORM PTO-1449/A and B (Modified)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/719,493		ATTY. DOCKET NO.: C1039.70021US01			
				FILING DATE: November 21, 2003		CONFIRMATION NO.:			
				APPLICANT: Arthur M. Krieg, et al.					
				GROUP ART UNIT: Not yet assigned		EXAMINER: Not yet assigned			
Sheet	1	of	2						

**U.S. PATENT DOCUMENTS**

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	*	6,194,388	B1	Krieg et al.	02-27-2001
	*	6,207,646	B1	Krieg et al.	03-27-2001
	*	6,214,806	B1	Krieg et al.	04-10-2001
	*	6,218,371	B1	Krieg et al.	04-17-2001
	*	6,225,292	B1	Raz , et al.	05/01/2001
	*	6,239,116	B1	Krieg et al.	05-29-2001
	*	6,339,068	B1	Krieg et al.	01-15-2002
	*	6,406,705	B1	Davis et al.	06-18-2002
	*	6,429,199	B1	Krieg et al.	08-06-2002
	*	6,498,148	B1	Raz	12/24/2002
	*	6,514,948	B1	Raz, et atl	02/04/2003
	*	6,534,062	B2	Krieg, et al.	03/18/2003
	*	6,552,006	B2	Raz et al.	04/22/2003
	*	6,562,798	B1	Schwartz	05/13/2003
	*	6,589,940	B1	Raz et al.	07/08/2003
	*	6,610,661	B1	Carson et al.	08/26/2003
	*	6,653,292	B1	Krieg et al.	11/25/2003
	*	US 2001/0046967	A1	Van Nest	11/29/2001
	*	US 2002/0028784	A1	Van Nest	03/07/2002
	*	US 2002/0055477	A1	Nest	05/09/2002
	*	US 2002/0098199	A1	Nest et al.	07/25/2002
	*	US 2002/0107212	A1	Van Nest et al.	08/08/2002
	*	US 2002/0142978	A1	Van Nest et al.	10/03/2002
	*	US 2002/0156033	A1	Raz et al.	10/24/2002
	*	US 2003/0049266	A1	Bratzler et al.	03/13/2003
	*	US 2003/0050263	A1	Fearon et al.	03/13/2003
	*	US 2003/0078223	A1	Krieg et al.	04/24/2003
	*	US 2003/0092663	A1	Raz et al.	05/15/2003
	*	US 2003/0109469	A1	Raz	06/12/2003
	*	US 2003/0119773	A1	Carson et al.	06/26/2003
	*	US 2003/0129251	A1	Raz et al.	07/10/2003
	*	US 2003/0133988	A1	Van Nest et al.	07/17/2003
	*	US 2003/0143213	A1	Fearon et al.	07/31/2003
	*	US 2003/0147870	A1	Raz et al.	08/07/2003
	*	US 2003/0175731	A1	Raz et al.	09/18/2003
	*	US 2003/0186921	A1	Rearon et al	10/02/2003



<b>FORM PTO-1449/A and B (Modified)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/719,493		ATTY. DOCKET NO.: C1039.70021US01			
				FILING DATE: November 21, 2003		CONFIRMATION NO.:			
				APPLICANT: Arthur M. Krieg, et al.					
				GROUP ART UNIT: Not yet assigned		EXAMINER: Not yet assigned			
Sheet	2	of	2						

**U.S. PATENT DOCUMENTS**

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
	*	US 2003/0199466	A1	Fearon et al.	10-23-2003
	*	US 2003/0212028	A1	Raz et al.	11-13-2003
	*	US 2003/0216340	A1	Van Nest et al.	11-20-2003

**FOREIGN PATENT DOCUMENTS**

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
	B1	WO	98/55495 ✓	A2	Dynavax Tech. Corp.	03/11/1998	
	B2	WO	99/11275 ✓	A2	Regents of the University of CA	03-11-1999	
	B3	WO	99/62923 ✓	A2	Dynavax Tech. Corp.	12/09/1999	
	B4	WO	00/20039 ✓	A1	Regents of the University of CA	04/13/2000	
	B5	WO	00/21556 ✓	A1	Dynavax Tech. Corp.	04/20/2000	
	B6	WO	00/62787 ✓	A1	Regents of the University of CA	10/26/2000	
	B7	WO	01/02007 ✓	A1	The Regents of the Univ. of California	01-11-2001	
	B8	WO	01/12804 ✓	A2	Hybridon, Inc.	02-22-2001	
	B9	WO	01/12223 ✓	A2	Dynavax Tech. Corp.	02-22-2001	
	B10	WO	01/55341 ✓	A2	The Regents of the Univ. of California	08-02-2001	
	B11	WO	01/68117 ✓	A2	Dynavax Tech. Corp.	09-20-2001	
	B12	WO	01/68116 ✓	A2	Dynavax Tech. Corp.	09-20-2001	
	B13	WO	01/68078 ✓	A2	Dynavax Tech. Corp.	09-20-2001	
	B14	WO	01/68077 ✓	A2	Dynavax Tech. Corp.	09-20-2001	
	B15	WO	01/68103 ✓	A2	Dynavax Tech. Corp.	09-20-2001	

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	**	SUN, S. et al., "Mitogenicity of DNA from Different Organisms for Murine B Cells", <i>The Journal of Immunology</i> , 1997, Pages 3119-3125, The American Association of Immunologists	

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\* copies of these patents and patent applications are not enclosed pursuant to the waiver by the USPTO of the requirement under 37 C.F.R. 1.98 (a)(2)(i) for patent applications filed after June 30, 2003.

\*\*a copy of this reference is not provided as it was previously cited by or submitted to the office in prior applications, Serial No. 09/337,619, filed 6/21/99, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]